

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

RICHARD DALE FISHER, JR.,)	
Petitioner,)	Civil Action No. 7:15cv00661
)	
v.)	
)	By: Elizabeth K. Dillon
DIRECTOR, VA DEPT. OF CORR.,)	United States District Judge
Respondent.)	

FINAL ORDER

In accordance with the memorandum opinion entered this day, it is hereby ORDERED that respondent's motion to dismiss (Dkt. No. 9) is GRANTED, Fisher's 28 U.S.C. § 2254 petition is DISMISSED with prejudice, and this action is STRICKEN from the active docket of the court.

Further, finding that Fisher has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c), a certificate of appealability is DENIED.

The Clerk is directed to send copies of this order and accompanying memorandum opinion to all counsel of record and to Mr. Fisher, petitioner.

Entered: September 29, 2016.

/s/ Elizabeth K. Dillon
Elizabeth K. Dillon
United States District Judge